

***HAVLISH* PLAINTIFFS' RENEWED MOTION  
FOR AN ORDER CREATING A COMMON BENEFIT FUND AND  
AUTHORIZING CERTAIN DISBURSEMENTS THEREFROM**

# **EXHIBIT 8**



Testimony before the House Government Reform Committee (Nov. 2015) on Improving the Visa Waiver Program post terrorist attacks.

## The Honor and Privilege of Serving the 9/11 Commission



Janice Kephart

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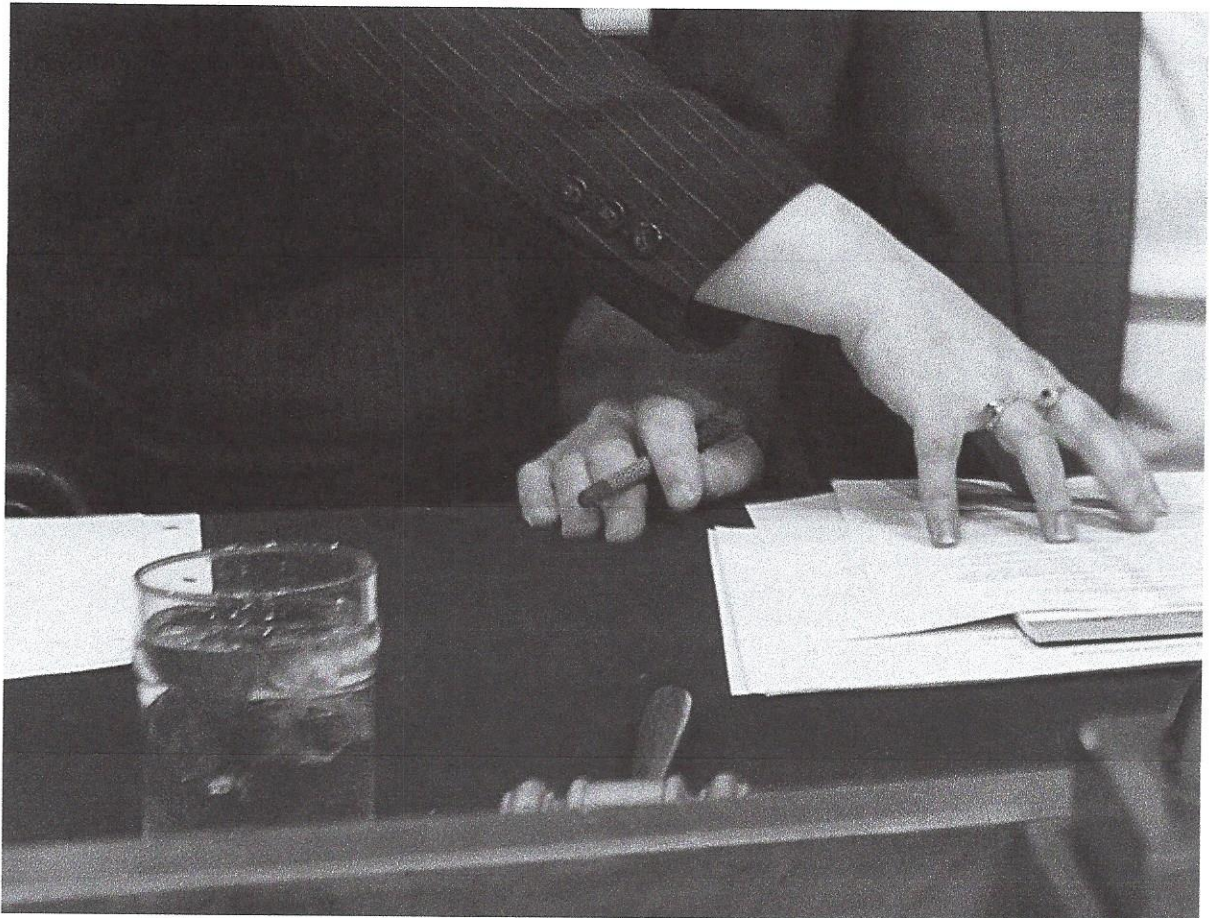
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On July 30, 2004, the work of the *9/11 Commission* was done. A week prior, it seemed that the statutory shutdown of Commission work was more than untimely: there had been a new stash of materials found at NSA pertaining to potential Iranian support for al Qaeda's 9/11 operation against the United States; my team was madly attempting to achieve a draft level of completion of our monograph *9/11 and Terrorist Travel* under excruciating deadlines; the Commissioners were meeting every day for hours on end seeking agreement on recommendations; and the largest array of footnotes likely ever in a government report were causing intense headaches for staff.

It had been less than six months prior, on January 26, 2004, when my border team launched the first investigative hearing of the Commission in the U.S. Senate (photo above supporting Commission Chair Tom Kean). I was both witness and support staff.

We would learn much between that hearing and our final report six months later, but it was at this hearing that the world first learned of the potential 20th hijacker turned away at Orlando International Airport by an astute, tough border inspector in August 2001; a fact I uncovered not from the FBI (who had never interviewed the inspector), but from our contacts in intelligence. A fact that would change the discussion points about border security and how it was defined for this generation, and provide the logical connection between border security and national security that later drove policy, programs and law.

Why? It was really with one simple fact that we were able to show the nexus between national and border security: one less hijacker on the Pennsylvania flight that may have changed whether that fourth hijacked plane made it to its destination to attack a Washington DC landmark of either the Capitol or White House on the fateful morning of 9/11. We did not know the answer for sure, but we did know, that an astute border inspector conducting a lengthy secondary inspection of a potential terrorist likely made a difference in saved lives, and much more. That inspector had used his own savvy and immigration law to help secure our country. The inspector thought the individual was a hit man. In essence, he was right. The fact that in that instance security trumped tourism was unusual, and lucky. But we all knew that luck could not save us from tenacious terrorists eager to enter the United States, and that no longer could our national security be solely within the jurisdiction of traditional law enforcement and intelligence



It was also at this hearing that the Commissioners began to see that there was evidence for what I would later term "terrorist travel" to describe the deliberate abuse of border vulnerabilities by the 9/11 hijackers.

Less than six months later, a monstrosly detailed accounting of how 9/11 happened and how government must change to prevent another such attack, was published by the National Commission on Terrorist Attacks Upon America. It contained few border facts, but heavy border recommendations. The terrorist travel monograph was done, barely. But the monograph was enough for Phil Zelikow to agree to publish it so that the border recommendations in the *9/11 Final Report* would not go without context.

On the evening of July 30, 2004, when my work on the 9/11 Commission came to an abrupt end with my 60 colleagues, I had something more I needed to say. All these years, I have kept it between me and the Commissioners. It became the basis for a career that has always had at its pivot point, the 9/11 Commission. There is no service I could do my country, no good I could do, that would ever be more important to me than determining the lessons learned from the most horrific terrorist event in our American history, and applying them forward to help America remain as America.

When I found this piece again this evening, it strikes me how thematic my career has been, no matter whether I was in the public or private sector. The location has never mattered as much as the work itself.

### **A 9/11 Commission Eulogy**

*Dear Commissioners,*

*Tonight I feel like this evening's moon: almost full and certainly reflective. Today my job ended. Under other circumstances, that could be horrendous for a single mother of three children. But I have left a job where I have fulfilled beyond my tallest expectation of myself what I hope is a substantive contribution to our greater good. I did it because the 9/11 Commission had a legal obligation to the President, the Congress, and the American people to present an authoritative account of 9/11; an understanding of why our government let us down leading up to and on that awful day; and recommendations so it won't happen so easily again. I was able to do so not because my work was so extravagantly good, but because the cause was great; the expectations immense; my colleagues dedicated, tireless, and relentless; and our leadership a model for democratic politics at its best.*

*We were, on the whole, desirous of just one thing: to tell the truth and do it well. We had common purpose, even if our ideas and wills sometimes collided. That purpose made us push past our bias and push into the facts, and so state them. I did not feel done with our work today; we all well aware that government must do much more work if this nation is to be as secure as it needs to be. However, we do know we did our best to fulfill our mandate, and in so doing exceeded expectations. The talent was there, for sure. Governor Kean and Vice Chairman Hamilton set the guidelines for the staff. Phil Zelikow and Chris Kojm followed their lead. Together they hired a staff I am privileged and honored to have worked with and to have known. Yet these fine leaders of our Commission spent this afternoon and evening lauding us instead, giving us certificates worthy of a cap and gown; signing our copies of *The 9/11 Commission Report*; and sincerely expressing their gratitude.*

*Individually, we expressed our thanks to the Commissioners and our colleagues in return. But there is no one who could feel more grateful than I do right now. I got a chance to serve the American people in the most wonderful way I ever could- by being part of telling the truth about 9/11 as we know it to be today, and work with incredible people along the way.*

*Thank you all. And Kevin Schaeffer, I will never forget.*

*Janice Kephart*

*July 30, 2004*

Kevin Schaeffer was a staff member of the 9/11 Commission who had suffered severe burns, but survived, the Pentagon attack on the morning of 9/11.

And I have never felt, all these years later, like our work is done. So, we push on.




**Janice Kephart**


Janice Kephart  
Owner and Managing Director at...

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